

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5978 of 2016

ORDER:

Heard Ms. Pavithra, learned counsel for the petitioner, and Mr. N. Praveen Kumar, learned Standing Counsel for the sixth respondent Municipality.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of the Writ of Mandamus, declaring the action of the respondents, particularly the action of the 6th respondent in not take proper action against the

7th respondent as per his provisional order issued on 20-03-2015 U/sec. 266, 217 (1) (2), 228(1) (2) of the Municipalities Act, 1965, is illegal arbitrary and consequently direct the 6th respondent to take appropriate action against the 7th respondent as per his provisional order No. UCR No. 45 of 2015 dt. 20-03-2015 and to pass such other orders as are necessary in the interests of justice.”

It appears that the petitioner made representation dated 07.05.2013 to the respondent authorities and the same is pending consideration. It also appears that a provisional order dated 20.03.2015 was issued by the sixth respondent Municipality under the provisions of the Andhra Pradesh Municipalities Act, 1965. However, no action has been taken pursuant thereto.

In the light of the order proposed to be passed by this Court, there is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 07.05.2013 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said representation and take action thereon, if warranted, in accordance with the due procedure. In this exercise, the authority would necessarily have to give an opportunity of hearing to all the

parties who would be affected by any decision taken upon the petitioner's representation. Adhering to this procedure, the authority concerned shall duly consider the petitioner's representation dated 07.05.2013 and take appropriate action in the matter, if warranted, in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

10th March, 2016
PGS